

COUNTY ANNEXATION AMENDMENTS

2002 SIXTH SPECIAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

This act modifies provisions relating to Counties to change the effective date of county annexations and to provide for the pro rata sharing of revenues, fees, and charges between the annexing county and the county in which the area proposed to be annexed is located before annexation. The act also provides an effective date and makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-2-4, as last amended by Chapter 225, Laws of Utah 2002

17-2-9, as last amended by Chapter 225, Laws of Utah 2002

17-2-10, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-2-4** is amended to read:

17-2-4. When annexation effective -- Governor's proclamation -- Notice to State Tax Commission.

(1) Upon receipt of the election result from the lieutenant governor under Section 17-2-3, the governor shall issue a proclamation, stating the result of the vote in each of the counties, and that the annexation of the one county to the other will take effect ~~[on the first Monday in January following]~~ as provided in Subsection (2).

(2) An annexation approved at an election under Section 17-2-1 takes effect on January 1 of the year immediately following issuance of the governor's proclamation.

~~[(2)]~~ (3) (a) Within 30 days after the issuance of the governor's proclamation under Subsection (1), the legislative body of the annexing county shall send a notice to the State Tax Commission.



(b) Each notice under Subsection [(2)] (3)(a) shall include:

(i) a copy of the governor's proclamation;

(ii) a certification that all necessary legal requirements relating to the annexation have been completed; and

(iii) a map or plat that delineates an accurate metes and bounds description of the annexing county following annexation.

Section 2. Section 17-2-9 is amended to read:

17-2-9. When annexation effective -- Governor's proclamation -- Notice to State Tax Commission.

(1) Upon receipt of the lieutenant governor's certification under Section 17-2-8, the governor shall issue a proclamation, stating the result of the vote in each county, and that the annexation of the territory to the annexing county will take effect ~~[on the first Monday in January following]~~ as provided in Subsection (2).

(2) An annexation approved at an election under Section 17-2-6 takes effect on January 1 of the year immediately following issuance of the governor's proclamation.

[(2)] (3) (a) Within 30 days after the issuance of the governor's proclamation under Subsection (1), the legislative body of the annexing county shall send a notice to the State Tax Commission.

(b) Each notice under Subsection [(2)] (3)(a) shall include:

(i) a copy of the governor's proclamation;

(ii) a certification that all necessary legal requirements relating to the annexation have been completed; and

(iii) a map or plat that delineates an accurate metes and bounds description of the area that was annexed.

Section 3. Section 17-2-10 is amended to read:

17-2-10. Territory becomes part of annexing county -- Division of revenues.

~~[AH]~~ (1) Upon the effective date of the annexation, all the [territory sought] area proposed to be annexed shall become [the territory] part of the annexing county.

(2) (a) The legislative body of the county in which the area proposed to be annexed is located before annexation shall:

(i) until the date of annexation, continue:

59 (A) to levy and collect ad valorem property tax and other revenues from or pertaining
60 to the area; and

61 (B) except as otherwise agreed with the annexing county, to provide the same services
62 to the area proposed to be annexed as the county provided before the commencement of the
63 annexation proceedings; and

64 (ii) after annexation, share pro rata with the annexing county the taxes and service
65 charges or fees levied and collected by the county during the year of the annexation if and to
66 the extent that the annexing county provides, by itself or by contract, the same services for
67 which the county levied and collected the taxes and service charges or fees.

68 (b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the
69 date of annexation, and the pro rata allocation of service charges and fees shall be based on the
70 proportion of services related to the service charges and fees that remain to be rendered after
71 annexation.

72 Section 4. **Effective date.**

73 If approved by two-thirds of all the members elected to each house, this act takes effect
74 upon approval by the governor, or the day following the constitutional time limit of Utah
75 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
76 the date of veto override.

Legislative Review Note

as of 12-18-02 1:35 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel